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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,472	06/15/2001	Harvey M. Ruback	6169-157	8075
40987	7590	05/11/2006	EXAMINER	
AKERMAN SENTERFITT				OPSASNICK, MICHAEL N
P. O. BOX 3188				ART UNIT
WEST PALM BEACH, FL 33402-3188				PAPER NUMBER
				2626

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/882,472	RUBACK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael N. Opsasnick	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 February 2006.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 and 13-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11,13-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dragosh (6604077) in view of White et al (6408272).

As per claims 1,10,14,23,24, Dragosh (6604077) teaches a method for processing speech audio in a client device (abstract) comprising:

“selecting a speech grammar....device” as selecting the grammar for the appropriate application (col. 5 lines 35-45);  
“characterizing the selected speech grammar based upon a pre-determined characterization embedded within the selected speech grammar, the pre-determined characterization specifying at least one of a predetermined complexity of the speech grammar and a preference for processing the speech grammar locally in the client device or remotely in a speech server” as characterizing the grammar based on the grammar

handle (col. 6 lines 24-32, col. 6 lines 42-59; the grammar handle that is embedded in the grammar itself identifying it as a “canned” grammar from a plurality of different types of “canned” grammars, or to go to a URL to find the appropriate grammars; the grammar handles make the distinction between a “canned” grammar, and one that is available via URL, and clearly is a distinction with respect to complexity).

“based on the characterization.....server in the network” as downloading the grammar from the server if it is determined to be the grammar that is wanted (col. 5 lines 65 – col. 6 line 40).

As per claims 1,10,14,23,24, Dragosh (6604077) teaches the location of the grammar to be chooseable, but however, does not explicitly teach determining at the client side to perform the process at a server. White et al (6408272), however, teaches the evaluation of speech processing capability at the local device, and based upon performance determination, transfers the speech processing to a remote device when the local device cannot handle the speech processing (White et al (6408272), abstract, Fig. 4, col. 17 line 63 – col. 18 line 18). Therefore, it would have been obvious to one of ordinary skill in the art of speech processing to enhance the Dragosh (6604077) system that handles grammar processing with the ability to make a determination of processing capability on the local device (and hence send the processing to a remote device when the local device cannot handle such processing) because it would advantageously shift the bulk of the hardware/software requirements to a remote location, and therefore not straining the requirements for the local device (White et al (6408272), col. 2 line 62 – col. 3 line 5).

As per claims 2,15,25, the combination of Dragosh (6604077) in view of White et al (6408272) teaches establishing a communication session and querying the speech server (Dragosh (6604077), col. 6 lines 20-38).

As per claims 3,16, the combination of Dragosh (6604077) in view of White et al (6408272) teaches uploading the grammar (Dragosh (6604077), col. 6 lines 25-27).

As per claims 4,17, the combination of Dragosh (6604077) in view of White et al (6408272) teaches registering the speech grammar (as loading the grammar with a returned handle (Dragosh (6604077), col. 6 lines 60-65).

As per claims 5-9, 11,13,19-22, the combination of Dragosh (6604077) in view of White et al (6408272) teaches determination of the type/size of grammar needed ,i.e., complexity, (a stored “canned” grammar, vs. a specialized grammar → Dragosh (6604077), col. 6 lines 25-30), determination of locations, including locally or remotely (either stored locally or at a specific URL – Dragosh (6604077), col. 6 lines 35-40).

#### *Response to Arguments*

3. Applicant's arguments filed 2/17/06 have been fully considered but are considered moot in view of the new grounds of rejection. Examiner notes the application of the Dragosh (6604077) reference, and in particular the function of the grammar handles associated with

canned grammars, and as such, that particular grammar handle/identifier based upon the type of canned grammar, or a grammar identifier towards an URL based grammar.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

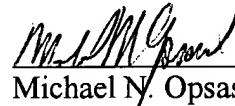
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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5/10/06

  
\_\_\_\_\_  
Michael N. Opsasnick  
Examiner  
Art Unit 2626